(40)

HIGH COURT OF CHHATTISGARH, BILASPUR

CR. MISC. PET. No.100/2007

PETITIONERS

1. Shobhraj Nagwani, age 42 years, s/o Shri K.L.Nagwani, R/o Ajanta Furniture, Bajranj Nagar, Aamapara, P.S. Amanaka, Raipur, District-Raipur(CG)
2. Motilal Nagwani, age 42 years, s/o Shri K.L. Nagwani, R/o Ajanta Furniture, Bajranj Nagar, Aamapara, P.S. Amanaka, Raipur, District-Raipur(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh through the S.D.M.(R), Raipur, District-Raipur(CG)
2. Dr. Ramsahay Mishra, age 61 years, s/o Shri Saraju Prasad Mishra, R/o Bajrang Nagar, P.S. Amanaka, Raipur, District-Raipur(CG)

Appearance:

Shri J.A.Lohani, counsel for the petitioners.

Shri Sandeep Yadav, Dy. Government Advocate for the State/respondent No.1 on advance copy.

ORAL ORDER
(18.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Challenge is made to the order dated 15.11.2006, passed by the 9th Additional Sessions Judge(FTC), Raipur in Criminal Revision No.212/2006. This revision was filed against the order dated 13.6.2006, passed by the Sub Divisional Magistrate, Raipur in a pending proceeding under Section 145 Cr.P.C. The revision filed by the petitioners was dismissed by the said Court and the order passed by the Magistrate was confirmed.

(41)

A perusal of the order dated 13.6.2006 would show that in a pending proceeding under Section 145 Cr.P.C., the petitioners filed an application dated 12.6.2006 for dropping the proceedings. The Magistrate recorded in the order that as an effect of issuance of the stay order by him pertaining to the disputed area of the suit land, peace and tranquility in the area has been maintained and if the proceedings would be dropped, there would be a situation of law and order, therefore, he did not drop the proceedings and had called upon the parties to produce their evidence on 22.6.2006. It is against this order, the petitioners had filed the criminal revision, which was dismissed and ultimately, they have come before this Court in this petition.

The proceedings of Section 145 Cr.P.C. are drawn on the satisfaction of the Magistrate regarding a dispute existing likely to cause a breach of peace either on a Police report or upon the other information and if such satisfaction is recorded, he may proceed with the case and call upon the parties to lead evidence and to decide the matter in accordance with the provisions of Section 145 Cr.P.C. The Magistrate has recorded his satisfaction regarding existence of breach of peace and has called upon the parties to adduce the evidence and had not dropped the proceedings on the application of the petitioners against his satisfaction.

There is no illegality in the orders passed by the 2 Courts below, warranting interference by this Court under Section 482 Cr.P.C. The petition is dismissed at the motion stage itself.

However, looking to the dates of proceedings, it is observed that the Magistrate shall try to expedite the hearing of the proceedings at the earliest, so that the matter may finally come to an end.

Sd/-
Sunil Kumar Sinha
Judge

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